

26974. Misbranding of Arcady Roost Paint. U. S. v. Arcady Laboratories, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38067. Sample no. 63129-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On October 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Arcady Laboratories, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 23, October 16, and December 20, 1935, from the State of Illinois into the State of Minnesota of a quantity of Arcady Roost Paint that was misbranded. The article was labeled in part: "Arcady Roost Paint, Arcady Laboratories Inc., * * * For Poultry Health."

Analysis showed that it consisted of water (24.3 percent), soap (15.7 percent), nicotine, coal-tar neutral oil, and phenols.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the can label, falsely and fraudulently represented that it was effective to insure the health of poultry.

The information also charged a violation of the Insecticide Act of 1910 reported in notice of judgment no. 1513 published under that act.

On December 22, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25, covering both violations.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26975. Misbranding of Dr. Bell's Veterinary Medical Wonder. U. S. v. 9½ Bottles and 57 Bottles of Dr. Bell's Veterinary Medical Wonder. Default decrees of condemnation and destruction. (F. & D. nos. 38405, 38421. Sample nos. 2914-C, 13538-C.)

This product contained alcohol in a proportion greater than that represented on the label, and the carton and bottle label bore false and fraudulent representations regarding its curative or therapeutic effects.

The United States attorneys for the Western District of Washington and for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed libels in their respective district courts, on October 13 and 15, 1936, the libel praying seizure and condemnation of 9½ dozen bottles at Seattle, Wash., and 57 bottles at Dallas, Tex., of Dr. Bell's Veterinary Medical Wonder, alleging that it had been shipped in interstate commerce on or about June 15 and July 28, 1936, by the Bell Wonder Medicine Co., from Alexandria Bay, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that it consisted essentially of alcohol (63 to 65 percent by volume), water, and extracts of plant drugs including aloes, sassafras, capsicum, nux vomica, and mydriatic drugs such as scopolamine, stramonium, and/or belladonna.

In each case the article was alleged to be misbranded in that the statement "Alcohol 40%", borne on the bottle labels, was false and misleading in that the article contained alcohol in a proportion greater than 40 percent. It was alleged to be misbranded further in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since no such declaration appeared upon the carton enclosing the bottles of the article and such declaration made on the bottle labels was incorrect and inconspicuous. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, borne on the cartons and on the bottle labels, and contained in an accompanying circular, falsely and fraudulently represented that it was capable of producing the effects claimed in such statements in substance as follows: That the article would relieve the more common diseases of livestock of which the symptoms are abdominal pains, colic, coughs, colds, chills, running a temperature, refusal to eat, looseness of the bowels, uneasiness, nervousness, exhaustion, undue exposure, and overexertion; that it would relieve colic, preliminary coughs, chills, running a temperature, refusal to eat, looseness of the bowels, and uneasiness in any animal; that it would give effectual first aid to livestock and save pain, reduce losses, and nip disease in the bud; that it was a reliable panacea for the most common ills of and evils affecting, and would prevent mortality among horses; that it was the greatest known first aid for sick animals; that it would be effective for the treatment of coughs, chills, and colds and in preventing many serious compli-